

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 ACDA-12 TRSE-00 CIAE-00  
DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00 NSC-05  
PA-01 SP-02 SS-15 ICA-11 /091 W  
-----019414 221601Z /42

R 211130Z APR 78  
FM USMISSION USBERLIN  
TO SECSTATE WASHDC 6691  
AMEMBASSY BONN  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
USMISSION USNATO  
AMEMBASSY MOSCOW POUCH

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0951

E.O. 11652: XGDS-1  
TAGS: PGOV, BQG, AKB  
SUBJECT: SOVIET PROTEST ON MEETING OF FRG LANDTAGE PRESIDENTS IN  
BERLIN, APRIL 20-21

REF: (A) 77 USBERLIN 3034, (B) USBERLIN 0082, (C) STATE 007882

SUMMARY: ON APRIL 19 SOVIETS CALLED ON CHAIRMAN POLAD  
TO PROTEST APRIL 20-21 MEETING OF PRESIDENTS OF FRG LANDTAGE  
IN BERLIN. SPECIFICALLY, SOVIETS SUGGESTED THAT EVEN IF  
A CONFERENCE OF LANDTAGE PRESIDENTS DID NOT VIOLATE A  
SPECIFIC PROVISION OF THE QA, IT NONETHELESS VIOLATED "SPIRIT"  
OF THAT DOCUMENT. CHAIRMAN POLAD FIRMLY REJECTED THIS  
ASSERTION. END SUMMARY.

1. SOVIET EMBASSY MINISTER KHOTULEV CALLED ON CHAIRMAN  
BRITISH POLAD GLADSTONE ON APRIL 19 TO PROTEST A BOUT A  
MEETING OF THE CONFERENCE OF PRESIDENTS OF FRG LANDTAGE  
WHICH IS TAKING PLACE IN BERLIN APRIL 20-21.

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2. TEXT OF KHOTULEV'S STATEMENT AS TRANSLATED BY  
BRITISH MISSION FOLLOWS:

BEGIN TEXT

AS WE LEARNED, ON THE 20TH AND 21ST OF APRIL OF THIS YEAR IT IS

PLANNED TO HOLD A SO-CALLED CONFERENCE OF THE PRESIDENTS OF THE LANDTAG OF THE FRG TOGETHER WITH WEST BERLIN REPRESENTATIVES. IT IS NOTED IN PARTICULAR THAT AT THE MEETINGS OF THIS CONFERENCE IT IS PROPOSED TO EXAMINE SUBJECTS HAVING NO DIRECT RELATIONSHIP WITH THE MAINTENANCE OF REAL OPEN SQUARE BRACKETS DELOVOY CLOSE SQUARE BRACKETS TIES BETWEEN THE FRG AND WEST BERLIN, THE SUBJECTS BEING CONCERNED ONLY WITH THE INTERNAL COMPETENCES OF THE FEDERAL REPUBLIC OF GERMANY. IN ADDITION TO THIS, THE EXAMINATION, AMONGST OTHER MATTERS, OF SPECIFIC ASPECTS CONCERNING THE REFORM OF THE WEST GERMAN CONSTITUTION, INVOLVES THE PRESENCE OF THE PRESIDENT OF THE FEDERAL CONSTITUTIONAL COURT OF THE FRG HERR BENDA. WE ALSO BEEN INFORMED THAT IN THIS CONNEXION THE PRESIDENT OF THE BUNDESTAG, HERR CARSTENS IS COMING TO THE CITY AND THAT HE IS GIVING AN OFFICIAL RECEPTION TO THOSE PARTICIPATING IN THE CONFERENCE. THEREFORE, WE HAVE HERE A SERIOUS VIOLATION, IN A CONCENTRATED FORM BY OFFICIAL REPRESENTATIVES OF THE FRG OF THE ESSENTIAL PROVISIONS OF THE QA, WHICH PROHIBITS STATE PARLIAMEN- TARY AND GOVERNMENTAL ORGANS OF THE FRG CARRYING OUT DUTIES AND ACTS IN THE CITY.

THE SOVIET EMBASSY ALREADY MANY TIMES DREW THE ATTENTION OF THE MILITARY ADMINISTRATIONS OF THE THREE POWERS TO THE IMPERMISSIBLE VIOLATIONS OF THE QA BY FRG REPRESENTATIVES. ONCE AGAIN, WE WOULD LIKE TO REMIND YOU, THAT MEASURES TAKEN BY THE PARLIAMENTS AND LANDTAG OF THE FRG WERE NOT PROVIDED FOR BY THE QA AND HAVE NOTHING IN COMMON WITH QUESTIONS CONCERNING THE MAINTENANCE OF THE NORMAL SITUATION IN THIS AREA. DEMONSTRATIONS OF THIS KIND  
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HARM THE SITUATION IN THIS AREA.

IN CONNEXION WITH THE ABOVE THE SOVIET EMBASSY PROTESTS AT THE HOLDING IN WEST BERLIN OF A CONFERENCE OF THE LANDTAG PRESIDENTS OF THE FRG AND EXPECTS THAT THE ADMINISTRATIONS OF THE THREE POWERS WILL TAKE STEPS TO PUT A STOP TO THE ILLEGAL ACTIVITIES OF WEST GERMAN REPRESENTATIVES IN WEST BERLIN. END TEXT.

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3. IN REPLY TO KHOTULEV'S STATEMENT, GLADSTONE MADE THE FOLLOWING POINTS IN REPLY, EMPHASIZING THAT HE WOULD BE REPORTING THE SOVIET APPROACH TO BRITISH AND OTHER ALLIED AUTHORITIES WHO MIGHT WISH TO REPLY FURTHER IN DUE COURSE:

(A) THE RUSSIANS APPEARED TO BE COMPLAINING BOTH THAT THE CONFERENCE WAS TAKING PLACE AND THAT THE AGENDA DID NOT CONCERN FRG/BERLIN TIES. AS TO THE FIRST COMPLAINT, THERE WAS NO REASON IN THE QA OR ELSEWHERE WHY THE CONFERENCE OF PRESIDENTS OF THE LANDTAG SHOULD NOT MEET IN BERLIN. AS TO THE SECOND, THERE WAS NOTHING IN THE QA WHICH REQUIRED SUCH MEETINGS TO CONCERN THEMSELVES WITH BERLIN/FRG TIES.

(B) IT WAS QUITE MISLEADING TO SPEAK OF A SERIOUS VIOLATION BY THE FRG OF ESSENTIAL PROVISIONS OF THE QA WHEN NO QA PROVISIONS OF ANY SORT WERE BEING VIOLATED, LET ALONE ESSENTIAL ONES.

(C) THE SOVIET STATEMENT THAT THE QA PROHIBITED STATE PARLIAMENTARY AND GOVERNMENT ORGANS OF THE FRG  
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PERFORMING OFFICIAL DUTIES AND ACTS IN THE CITY ONLY DEMONSTRATED A MISUNDERSTANDING BY THE RUSSIANS OF THE NATURE OF THE FRG'S FEDERAL STRUCTURE. LANDTAG PARLIAMENTS WERE NOT STATE BODIES IN THE TERMS OF THE QA OR IN ANY OTHER TERMS: THAT WAS PROBABLY WHY THEY WERE NOT COVERED IN ANY OF THE LISTS IN OR ANNEXED TO THE QA.

(D) IN THAT CONNECTION, THE SENTENCE IN THE SOVIET STATEMENT TO THE EFFECT THAT FRG LAND ACTIVITIES WERE NOT PROVIDED FOR BY THE QA WAS CURIOUS. IT SUGGESTED THAT THE SOVIET SIDE KNEW VERY WELL THAT THE ACTIVITIES THEY COMPLAINED OF WERE IN FACT NOT CONTRARY TO THE QA. GLADSTONE RECALLED EARLIER DISCUSSIONS WHICH HE HAD HAD WITH KHOTULEV ON THE SUBJECT OF WHAT WAS FORBIDDEN OR ALLOWED BY THE QA AND SAID THAT IN THE PRESENT CASE THE ONUS OF PROOF RESTED CLEARLY WITH THE RUSSIANS.

(E) THE FACT THAT THE CONFERENCE IN QUESTION HAD NOTHING TO DO WITH THE MAINTENANCE OF A NORMAL SITUATION IN THE AREA DID NOT IN ITSELF CONSTITUTE A VALID REASON FOR IT NOT TO BE HELD. IN FACT IT WOULD BE MORE LOGICAL TO ARGUE THAT SUCH CONFERENCES WERE PART OF THE NORMAL SITUATION IN BERLIN SINCE THEY HAD TAKEN PLACE IN THE PAST, AND THAT IT WAS SOVIET ATTEMPTS TO STOP THEM THAT WERE UPSETTING.

4. KHOTULEV COMPLAINED IN TURN THAT GLADSTONE ARGUMENT WAS ONE-SIDED AND "JURIDICAL". ONE SHOULD THINK OF THE SPIRIT AS WELL AS THE LETTER OF THE QA. THE FACT THAT THE CONFERENCE WAS TAKING PLACE WAS NOT IN LINE WITH THE QA AND REPRESENTED AN OPEN DEMONSTRATION AGAINST IT. THE SOVIET SIDE PROCEEDED FROM THE ASSUMPTION THAT ANY PARLIAMENTARY BODY WAS A PART OF THE STATE SYSTEM. IT WAS A BASIC PROVISION OF THE QA THAT ACTIVITIES SHOULD NOT BE ALLOWED WHICH DISTURBED CONFIDENTIAL

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THE NORMAL SITUATION IN BERLIN. THE SOVIETS CONSIDERED THAT IN THIS PHRASE LAY THE SPIRIT OF THE QA. KHOTULEV COULD NOT SEE HOW THE CONFERENCE IN QUESTION COULD SERVE THE INTERESTS OF BERLIN. HE WAS NOT CLAIMING THAT IF IT WOULD TAKE PLACE IT WOULD UPSET THE WHOLE QA BUT IT WAS ONE OF A SERIES OF VIOLATIONS AND HIS SIDE THOUGHT IT NECESSARY TO DRAW ALLIED ATTENTION TO IT.

5. GLADSTONE THEN EXPRESSED SURPRISE AT SOVIET INTERPRETATION OF WHAT CONSTITUTED A STATE BODY EXPLAINING THAT PARLIAMENTARY BODIES COULD OPERATE ONLY AT A VERY LOW LEVEL. IF BRITISH APPEARED "JURIDICAL," IT WAS ONLY TO EMPHASIZE THAT THEY TOOK SOVIET COMPLAINT SERIOUSLY.

6. COMMENT: REFERENCED MESSAGES PROVIDE DETAILS OF MOST RECENT PRIOR SOVIET COMPLAINT AGAINST FRG ACTIVITIES IN BERLIN TOGETHER WITH RESPONSE ON WHICH ALLIES ULTIMATELY AGREED. GEORGE

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## Message Attributes

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**TAGS:** PGOV, UR, WB, BQG, AKB  
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